



11-15-06

AFC

Express Mail Label No. EV 326 972 580 US

Attorney Docket No. 52003-8001.US01

CERTIFICATE OF MAILING (37 CFR 1.8(a))

Hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Services on the date shown below in an Express Mail envelope, Express Mail Label No. **EV 326 972 580 US** addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date:

November 13, 2006 *Lynnea B. Kennelly*
Lynnea B. Kennelly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: *Schultz et al.*

SERIAL NO.: 09/740,615

FILED: December 18, 2000

FOR: **PLASMON RESONANT PARTICLES,
METHODS AND APPARATUS**

EXAMINER: Lam, A.

ART UNIT: 1641

CONFIRMATION No. 1773

Amendment to Appeal Brief Transmittal

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notification of Non-Compliant Appeal Brief under 37 C.F.R. 41.37 mailed on 10/31/2006, enclosed herewith is the following:

- ☒ Amendment to Appeal Brief submitted in triplicate.
- ☒ No fees are believed to be due with this communication. However, the Commissioner is hereby authorized to charge and underpayment for timely consideration of this submission to Deposit Account No. 50-2207.
- ☒ Applicant petitions for an Extension of Time if necessary for timely filing of this Communication.

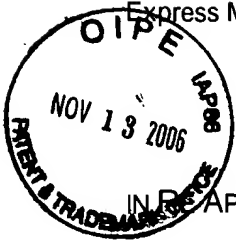
Respectfully submitted,

Date:

Nov 10, 2006

Peter J. Dehlinger
Peter J. Dehlinger
Reg. No. 28,006**Correspondence Address:**

Customer No. 22918
Ph: 650 838-4401



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Schultz *et al.*

APPLICATION NO.: 09/740,615

FILED: DECEMBER 18, 2000

FOR: **PLASMON RESONANT PARTICLES,
METHODS AND APPARATUS**

EXAMINER: LAM, A.

ART UNIT: 1641

CONFIRMATION NO: 1773

AMENDMENT TO APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed under C.F.R. §41.37, for the purpose of bringing the Appeal Brief filed October 17, 2006 in the above-entitled patent application into compliance with 37 CFR §41.37(c)(1)(iii) and 37 CFR §41.37(c)(1)(x). In accordance with MPEP 1205.03, this amendment only provides a statement of the status of all claims as required by C.F.R. §41.37(c)(1)(iii) and an Appendix C as required by 37 CFR §41.37(c)(1)(x).

STATEMENT OF THE STATUS OF ALL CLAIMS

Claims 1-18, and 30-56 were cancelled by preliminary amendment on December 18, 2000.

Claim 27 was cancelled by amendment on February 4, 2005.

Claims 19-26, 28 and 29 are pending and appealed. All of these claims stand rejected. The claims are presented in the Claims Appendix herewith.

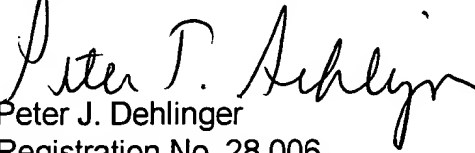
APPENDIX C: RELATED PROCEEDINGS

None

The Applicants submit that the above statement of the status of all claims and Appendix C fully comply with 37 CFR §41.37(c)(1)(iii), and 37 CFR §41.37(c)(1)(x) and entry of the amendment is respectfully requested.

Date: Nov 10, 2006

Respectfully submitted,


Peter J. Dehlinger
Registration No. 28,006

Correspondence Address

Customer No. 22918

Tel: 650 838-4410